




AP.PRE.REQ

PTO/SB/33 (07/05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) A-7014.CIP	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR on _____ Signature _____ Typed or printed name _____	Application Number 10/785,024	Filed 02/25/2004	
	First Named Inventor Jerry L. BLEVINS		
	Art Unit 3673	Examiner Tara L. Mayo	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>41,533</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p> Signature <u>Christopher J. McDonald</u> Typed or printed name <u>(703) 415-0100</u> Telephone number <u>December 1, 2005</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			



*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Jerry L. BLEVINS

Serial No: **10/785,024**

Filed : **February 25, 2004**

For : **PATIENT LIFTER**



Group Art Unit: **3673**

Examiner: **Tara L. Mayo**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the final Office Action of June 1, 2005, the Examiner rejected claims 1-5 as being anticipated by U.S. Patent 6,430,761 (Brandorff et al.). Claim 1 recites "a substantially planar patient support for supporting a patient." Brandorff et al. discloses a sling cloth 102 connected to arms 62 by loops 103. The sling cloth is best seen in Figures 1A, 1D and Figure 3. As best seen in Figure 1D, the sling is U-shaped and it is an unreasonable interpretation of a U-shaped sling to be substantially planar.

Claim 9 is directed to and recites a patient support having a railing extending upwardly from the second side edge of the patient support. The railing is connected to an L-shaped arm. One end of the L-shaped arm is connected to the railing and the second end is pivotally connected to the bottom surface of the patient support.

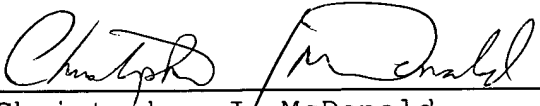
Claims 9-11 are rejected as unpatentable over U.S. Patent No. 4,939,801, Schaal et al., in view of U.S. Patent No. 6,691,345 (Nanahara). The Examiner relies upon Nanahara for disclosing the

specifics of the railing. Nanahara discloses a side rail connected to the side edge of a support surface, not the bottom edge, as is claimed. The connection to the side edge results in the railing moving in a vertical plane parallel to the side edge. This is in contrast to the movement of the side rail of the invention, which folds underneath the bottom surface of the patient support.

In addition, claim 10 further specifies that the L-shaped arm includes a first and second section pivotally connected together. The L-shaped arm of Nanahara has two sections 110, 111, but these two sections are rigidly connected to one another and have no pivot connection. A third member 117 is connected to the L-shaped arm at pivot point 115, but this does not change the fact that the two sections 110, 111 have no pivotal movement relative to one another. The Examiner has stated that inherent to an L-shape, one section can move relative to the other section. This statement is not understood, as two sections of an L-shape can be rigidly connected to one another, allowing no relative movement between them.

It is respectfully requested that the rejections be reviewed prior to the filing of an Appeal Brief.

Respectfully submitted,



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December 1, 2005

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Attorney's Docket: A-7014.CIP.PABR/bh